



JPW

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

Van Gilst et al.

**Serial No.:** 10/500,913

**Filed:** November 29, 2004

**For:** USE OF ERYTHROPOIETIN FOR  
THE PREVENTIVE OR CURATIVE  
TREATMENT OF CARDIAC FAILURE

**Confirmation No.:** 7130

**Examiner:** To be assigned

**Group Art Unit:** 1615

**Attorney Docket No.:** 2578-6485US

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 14, 2005  
Date

Signature

Betty Vowles  
Name (Type/Print)

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached is a copy of the official filing receipt received from the PTO in the above-referenced application with proposed corrections noted thereon. Issuance of a corrected filing receipt in accordance with the annotations on the attached filing receipt copy is respectfully requested.

Only the first named inventor is listed on the filing receipt. Please include all inventors which were submitted on the Application Data Sheet, declaration and first page of the PCT application (copies of which are attached).

Serial No. 10/500,913

Please also correct the Domestic Priority data which is listed correctly on the Application Data Sheet and the declaration.

Respectfully submitted,



G. Scott Dorland, Ph.D.

Registration No. 51,622

Attorney for Applicant(s)

TRASKBRITT, P.C.

P.O. Box 2550

Salt Lake City, Utah 84110-2550

Telephone: 801-532-1922

Date: April 13, 2005

GSD/bv

Document in ProLaw



# UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/500,913	11/29/2004	1615	629	2578-6485US	2	22	5

CONFIRMATION NO. 7130

24247  
TRASK BRITT  
P.O. BOX 2550  
SALT LAKE CITY, UT 84110

**FILING RECEIPT**

\*OC000000014687276\*

Date Mailed: 12/10/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Weikert Hendrikus Van Gilst, Haren, NETHERLANDS:

(see list of additional inventors previously submitted on the  
Application Data Sheet, the declaration and the

Power of Attorney: first page of the PCT application)

Gregory Dorland-51622

**Domestic Priority data as claimed by applicant**

This application is a 371 of PCT/NL02/00010 01/09/2003

PCT/NL03/00011

**Foreign Applications**

NETHERLANDS PCT/NL02/00010 01/09/2002

Projected Publication Date: 03/17/2005

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

Use of erythropoietin for the preventive or curative treatment of cardiac failure

**Preliminary Class**

514

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



Inventors not listed on filing receipt

Ronald Hendrik Peter Brus, Voorschoten, NETHERLANDS

Dirk Jan Van Veldhuisen, Paterswolde, NETHERLANDS

Robert Henk Henning, Loppersum, NETHERLANDS

Rudolf Allert De Boer, Groningen, NETHERLANDS

(19) World Intellectual Property Organization  
International Bureau



(43) International Publication Date  
17 July 2003 (17.07.2003)

PCT

(10) International Publication Number  
**WO 03/057242 A1**

(51) International Patent Classification<sup>7</sup>: **A61K 38/18**,  
A61P 9/04, 9/10

**Rudolf, Allert** [NL/NL]; Grote Kromme Elleboog 15-2,  
NL-9712 BJ Groningen (NL).

(21) International Application Number: PCT/NL03/00011

(74) Agent: **CRUCCELL HOLLAND B.V.**; Intellectual Prop-  
erty Department, Postbus 2048, NL-2301 CA Leiden (NL).

(22) International Filing Date: 9 January 2003 (09.01.2003)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Data:  
PCT/NL02/00010 9 January 2002 (09.01.2002) NL

(71) Applicants (for all designated States except US): **CRU-  
CELL HOLLAND B.V.** [NL/NL]; Archimedesweg 4,  
NL-2333 CN Leiden (NL). **STICHTING KLINISCHE  
FARMACOLOGIE GRONINGEN** [NL/NL]; Antonius  
Deusinglaan 1, NL-9713 AV Groningen (NL).

(72) Inventors; and

(75) Inventors/Applicants (for US only): **VAN GILST**,  
**Wiekert, Hendrikus** [NL/NL]; Rijksweg 219,  
NL-9752 CA Haren (NL). **BRUS, Ronald, Hendrik**,  
**Peter** [NL/NL]; Baron Schimmelpenninck van de Oyelaa-  
n 8, NL-2252 EB Voorschoten (NL). **VAN VELDHUISEN**,  
**Dirk, Jan** [NL/NL]; Meerkoetlaan 3, NL-9765 TC Pa-  
terswolde (NL). **HENNING, Robert, Henk** [NL/NL];  
Molenweg 62, NL-9919 AJ Loppersum (NL). **DE BOER**,

(81) Designated States (*national*): AE, AG, AL, AM, AT (util-  
ity model), AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA,  
CH, CN, CO, CR, CU, CZ (utility model), CZ, DE (util-  
ity model), DE, DK (utility model), DK, DM, DZ, EC, EE  
(utility model), EE, ES, FI (utility model), FI, GB, GD, GE,  
GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ,  
LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN,  
MW, MX, MZ, NO, NZ, OM, PH, PL, PT, RO, RU, SC,  
SD, SE, SG, SK (utility model), SK, SL, TJ, TM, TN, TR,  
TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.

(84) Designated States (*regional*): ARIPO patent (GH, GM,  
KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW),  
Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM),  
European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE,  
ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, SE, SI,  
SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN,  
GQ, GW, ML, MR, NE, SN, TD, TG).

Published:

— with international search report

For two-letter codes and other abbreviations, refer to the "Guid-  
ance Notes on Codes and Abbreviations" appearing at the begin-  
ning of each regular issue of the PCT Gazette.

(54) Title: USE OF ERYTHROPOIETIN FOR THE PREVENTIVE OR CURATIVE TREATMENT OF CARDIAC FAILURE

(57) Abstract: The invention provides for the use of erythropoietin, or a derivative or functional analogue thereof, for the preparation of a medicament for the preventive and/or curative treatment of patients suffering from, or at risk of suffering from cardiac failure.



WO 03/057242 A1